

# **JOURNAL OF THE HOUSE**

## **NINETY-FIRST SESSION**

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NINTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, January 25, 2016

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor John Fette, followed by the Pledge of Allegiance led by House page Kelly Colburn.

Roll Call: All members present except Reps. Bordeaux, Kaiser, Killer, and May who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the eighth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Dean Wink, Chair

Which motion prevailed.

1 The oath of office was administered by Speaker Wink to the following named pages:

2 Kelly Colburn, Lyndsey Effling, Logan Ellingson, Kimberly Grambihler, Isabella Hagg,  
3 Timber Hudson, Amber Hulse, Kylie Krcil, Conrad Mohr-Eymer, Cory Murphy, Emma Pease,  
4 Georgiale Quail, Joshua Vaith.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **HONORED GUESTS**

7 Speaker Wink introduced the 2015 Tabor Czech Days Royalty: Queen Madison Dangler,  
8 Princess Elyse Torsney, and Prince Memphis Kaul.

9 Rep. Sly introduced Gina Benz of Sioux Falls Roosevelt High School, the South Dakota  
10 2015 Milken Educator.

11 Rep. Sly introduced Sarah Lutz of Ft. Pierre Stanley County Elementary, the South Dakota  
12 2016 Teacher of the Year.

13 **REPORTS OF STANDING COMMITTEES**

14 MR. SPEAKER:

15 The Committee on State Affairs respectfully reports that it has had under consideration  
16 HB 1008 and returns the same with the recommendation that said bill be amended as follows:

17 1008ca

18 On page 2 of the printed bill, delete lines 13 to 23, inclusive.

19 And that as so amended said bill do pass.

20 Also MR. SPEAKER:

21 The Committee on State Affairs respectfully reports that it has had under consideration  
22 HB 1056 and returns the same with the recommendation that said bill be amended as follows:

23 1056ca

24 On page 2, line 5, of the printed bill, after "complete" delete "and sign".

1 On page 2, line 6, delete "has served in the military and received an honorable discharge"  
2 and insert "is a veteran as defined by § 33A-2-1".

3 On page 2, line 16, delete everything after "shall" .

4 On page 2, delete lines 17 and 18, and insert "coordinate with the Veterans Commission  
5 and the South Dakota Veterans Council to create informative materials about current state laws  
6 pertaining to veterans' preference in employment to be both posted on the Department of  
7 Veterans Affairs website for public access and for distribution by the council and its member  
8 organizations."

9 And that as so amended said bill do pass.

10 Respectfully submitted,  
11 Brian G. Gosch, Chair

12 Also MR. SPEAKER:

13 The Committee on Judiciary respectfully reports that it has had under consideration  
14 HB 1059 and returns the same with the recommendation that said bill be amended as follows:

15 1059ra

16 On page 11 of the printed bill, delete lines 18 to 24, inclusive.

17 And that as so amended said bill do pass and be placed on the consent calendar.

18 Also MR. SPEAKER:

19 The Committee on Judiciary respectfully reports that it has had under consideration  
20 HB 1074 which was deferred to the 41<sup>st</sup> Legislative Day.

21 Respectfully submitted,  
22 G. Mark Mickelson, Chair

23 Also MR. SPEAKER:

24 The Committee on Commerce and Energy respectfully reports that it has had under  
25 consideration HB 1057 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Commerce and Energy respectfully reports that it has had under  
3 consideration HB 1048 which was deferred to the 41<sup>st</sup> Legislative Day.

4 Respectfully submitted,  
5 Tim Rounds, Chair

6 **MESSAGES FROM THE SENATE**

7 MR. SPEAKER:

8 I have the honor to return herewith HCR 1001 in which the Senate has concurred.

9 Also MR. SPEAKER:

10 I have the honor to transmit herewith SCR 1 which has been adopted by the Senate and  
11 your concurrence is respectfully requested.

12 Also MR. SPEAKER:

13 I have the honor to transmit herewith SB 30, 31, 33, 35, and 53 which have passed the  
14 Senate and your favorable consideration is respectfully requested.

15 Respectfully,  
16 Kay Johnson, Secretary

17 **MOTIONS AND RESOLUTIONS**

18 SCR 1: A CONCURRENT RESOLUTION, To show support for family caregivers.

19 Was read the first time and the Speaker waived the committee referral.

20 **CONSIDERATION OF REPORTS OF COMMITTEES**

21 Rep. Gosch moved that the reports of the Standing Committees on

22 State Affairs on HB 1060 as found on page 146 of the House Journal; also

1           Judiciary on HB 1058 as found on page 147 of the House Journal be adopted.

2           Which motion prevailed.

3                       **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

4           The following bill was read on Friday, January 22, and today the Speaker assigned this  
5 bill to committee.

6           HB 1083 was referred to the Committee on Taxation.

7           HB 1088 Introduced by: Representatives Haggar (Don), Brunner, Klumb, Rounds, Stalzer,  
8 Steinhauer, Verchio, Wiik, and Willadsen and Senators Brown, Haggar (Jenna), and Shorma

9           FOR AN ACT ENTITLED, An Act to revise and consolidate certain civil forfeiture  
10 provisions.

11          Was read the first time and referred to the Committee on Judiciary.

12          HB 1089 Introduced by: Representatives Schoenfish and Soli and Senators Peters and  
13 Heinert

14          FOR AN ACT ENTITLED, An Act to revise provisions for accumulation of funds for  
15 certain municipal enterprises.

16          Was read the first time and referred to the Committee on Local Government.

17          HB 1090 Introduced by: Representatives Dryden, Anderson, Bartling, Cronin, Hunhoff  
18 (Jean), Hunt, Jensen (Alex), Mickelson, and Romkema and Senators Novstrup (David),  
19 Heineman (Phyllis), Peters, Sutton, Tidemann, and White

20          FOR AN ACT ENTITLED, An Act to require certain statements and audits concerning  
21 insurance pooling arrangements to be filed with the Department of Legislative Audit.

22          Was read the first time and referred to the Committee on Commerce and Energy.

1 HB 1091 Introduced by: Representatives Willadsen, Bartling, Beal, Bolin, Cronin,  
2 Deutsch, Gosch, Hawley, Heinemann (Leslie), Holmes, Hunt, Jensen (Alex), Kirschman,  
3 Klumb, Latterell, Mickelson, Novstrup (Al), Rasmussen, Romkema, Rounds, Schoenfish,  
4 Stalzer, Steinhauer, Stevens, Verchio, Werner, Westra, Wollmann, and Zikmund and Senators  
5 Peters, Brown, Cammack, Fiegen, Frerichs, Haverly, Heinert, Holien, Omdahl, Rusch, Soholt,  
6 and Tieszen

7 FOR AN ACT ENTITLED, An Act to establish certain requirements regarding insurance  
8 for vehicles used to provide rides for a transportation network company and to exempt drivers  
9 and vehicles used to provide these rides from certain commercial licensing requirements.

10 Was read the first time and referred to the Committee on Commerce and Energy.

11 HB 1092 Introduced by: Representatives Willadsen, Hunhoff (Jean), Kirschman, and  
12 Stevens and Senators Hunhoff (Bernie) and Tidemann

13 FOR AN ACT ENTITLED, An Act to revise requirements for local permits for the sale  
14 and consumption of alcoholic beverages on certain property abutting licensed establishments.

15 Was read the first time and referred to the Committee on Local Government.

16 HB 1093 Introduced by: Representatives Schoenbeck, Bartling, Bolin, Cronin, Deutsch,  
17 DiSanto, Dryden, Duvall, Gibson, Harrison, Hawks, Hunhoff (Jean), Johns, Novstrup (Al),  
18 Rasmussen, Solum, Wiik, and Wollmann and Senators Tieszen, Buhl O'Donnell, Ewing,  
19 Haverly, Heinert, Holien, Monroe, Novstrup (David), Olson, Rusch, Shorma, Solano, Vehle,  
20 and White

21 FOR AN ACT ENTITLED, An Act to revise certain provisions that prohibit a defendant  
22 from contacting a victim before a court appearance.

23 Was read the first time and referred to the Committee on Judiciary.

24 HB 1094 Introduced by: Representatives Qualm, Campbell, Craig, Duvall, Feickert,  
25 Harrison, Klumb, Marty, McCleerey, Mickelson, Otten (Herman), Peterson (Kent), Schaefer,  
26 Schoenfish, Schrempp, Verchio, and Wiik and Senators Tidemann, Cammack, Ewing, Frerichs,  
27 Hunhoff (Bernie), Olson, Otten (Ernie), Peterson (Jim), Rusch, Vehle, and White

28 FOR AN ACT ENTITLED, An Act to increase the commercial fertilizer inspection fee for  
29 purposes of fertilizer-related research and education and to create the Nutrient Research and  
30 Education Council to promote such research and education.

31 Was read the first time and referred to the Committee on Agriculture and Natural  
32 Resources.

1 HB 1095 Introduced by: Representatives Duvall, Feickert, Hawks, Johns, Kirschman,  
2 Verchio, and Wiik and Senators Vehle, Parsley, Peterson (Jim), and White

3 FOR AN ACT ENTITLED, An Act to revise certain allowable time periods regarding the  
4 transfer of vehicle ownership.

5 Was read the first time and referred to the Committee on Transportation.

6 HB 1096 Introduced by: Representatives Bolin, Haggar (Don), Haugaard, Latterell, Qualm,  
7 Rasmussen, Stalzer, Verchio, and Wiik and Senators Haggar (Jenna), Jensen (Phil), Olson, and  
8 Van Gerpen

9 FOR AN ACT ENTITLED, An Act to provide for the exemption of certain students from  
10 the requirement to take certain academic assessment tests.

11 Was read the first time and referred to the Committee on Education.

12 HB 1097 Introduced by: Representatives Haggar (Don), Brunner, Haugaard, Klumb,  
13 Stalzer, Stevens, Verchio, Wiik, Willadsen, and Wollmann and Senators Brown, Greenfield  
14 (Brock), Haverly, and Peters

15 FOR AN ACT ENTITLED, An Act to exempt certain taxes and fees from the gross  
16 receipts tax on telecommunications services.

17 Was read the first time and referred to the Committee on Taxation.

18 HB 1098 Introduced by: Representatives Bolin, Deutsch, Haggar (Don), Haugaard, Johns,  
19 Latterell, Novstrup (Al), Qualm, Rasmussen, and Sly and Senators Haggar (Jenna), Novstrup  
20 (David), Tieszen, and Van Gerpen

21 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the exemption  
22 of motor vehicles from the motor vehicle excise tax.

23 Was read the first time and referred to the Committee on Taxation.

24 HB 1099 Introduced by: Representatives Rozum and Soli and Senators Olson, Heinert, and  
25 Sutton

26 FOR AN ACT ENTITLED, An Act to revise certain campaign finance provisions.

27 Was read the first time and referred to the Committee on State Affairs.

**FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

SB 30: FOR AN ACT ENTITLED, An Act to provide that Department of Corrections employees are excluded from concealed weapons permit requirements when on duty and acting under the color of authority.

Was read the first time and referred to the Committee on Judiciary.

SB 31: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the sentencing and supervision of prison inmates and parolees with suspended sentences.

Was read the first time and referred to the Committee on Judiciary.

SB 33: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding chemical testing and revocations of driver licenses for persons under the age of twenty-one.

Was read the first time and referred to the Committee on Judiciary.

SB 35: FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier regulations.

Was read the first time and referred to the Committee on Transportation.

SB 53: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the bank franchise tax.

Was read the first time and referred to the Committee on Taxation.

**SECOND READING OF CONSENT CALENDAR ITEMS**

HB 1004: FOR AN ACT ENTITLED, An Act to make form and style revisions to certain statutes regarding counties.

Was read the second time.

The question being "Shall HB 1004 pass as amended?"

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;  
3 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;  
4 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);  
5 Johns; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman;  
6 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;  
7 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;  
8 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
9 Wollmann; Zikmund; Speaker Wink

10 Excused:

11 Bordeaux; Kaiser; Killer; May

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1052: FOR AN ACT ENTITLED, An Act to revise certain alcoholic beverage business  
15 restrictions on Department of Revenue employees.

16 Was read the second time.

17 The question being "Shall HB 1052 pass?"

18 And the roll being called:

19 Yeas 66, Nays 0, Excused 4, Absent 0

20 Yeas:

21 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;  
22 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;  
23 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);  
24 Johns; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman;  
25 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;  
26 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;  
27 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
28 Wollmann; Zikmund; Speaker Wink

29 Excused:

30 Bordeaux; Kaiser; Killer; May

31 So the bill having received an affirmative vote of a majority of the members-elect, the  
32 Speaker declared the bill passed and the title was agreed to.

1 HB 1055: FOR AN ACT ENTITLED, An Act to clarify that a gift of real property does not  
2 require a disclosure statement.

3 Was read the second time.

4 The question being "Shall HB 1055 pass?"

5 And the roll being called:

6 Yeas 66, Nays 0, Excused 4, Absent 0

7 Yeas:

8 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;  
9 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;  
10 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);  
11 Johns; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman;  
12 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;  
13 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;  
14 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
15 Wollmann; Zikmund; Speaker Wink

16 Excused:

17 Bordeaux; Kaiser; Killer; May

18 So the bill having received an affirmative vote of a majority of the members-elect, the  
19 Speaker declared the bill passed and the title was agreed to.

## 20 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

21 HB 1009: FOR AN ACT ENTITLED, An Act to revise the distribution of the legislative  
22 manual.

23 Was read the second time.

24 Rep. Gosch moved that HB 1009 be laid on the table.

25 The question being on Rep. Gosch's motion that HB 1009 be laid on the table.

26 And the roll being called:

27 Yeas 48, Nays 17, Excused 5, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Craig; Cronin; Deutsch; Dryden; Duvall; Feickert; Gosch;  
3 Greenfield (Lana); Harrison; Haugaard; Hawley; Heinemann (Leslie); Holmes; Hunt; Jensen  
4 (Alex); Johns; Kirschman; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Otten  
5 (Herman); Partridge; Peterson (Kent); Qualm; Ring; Romkema; Russell; Schaefer; Schrempp;  
6 Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Westra; Willadsen; Zikmund;  
7 Speaker Wink

8 Nays:

9 Brunner; Campbell; DiSanto; Gibson; Haggard (Don); Hawks; Hunhoff (Jean); Klumb; Novstrup  
10 (Al); Rasmussen; Rounds; Rozum; Schoenbeck; Schoenfish; Werner; Wiik; Wollmann

11 Excused:

12 Bordeaux; Conzet; Kaiser; Killer; May

13 So the motion having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the motion carried and HB 1009 was tabled.

15 HB 1040: FOR AN ACT ENTITLED, An Act to revise and implement certain provisions  
16 regarding the regulation of risk retention groups.

17 Was read the second time.

18 The question being "Shall HB 1040 pass?"

19 And the roll being called:

20 Yeas 65, Nays 0, Excused 5, Absent 0

21 Yeas:

22 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Craig; Cronin; Deutsch; DiSanto; Dryden;  
23 Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard;  
24 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
25 Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup  
26 (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema;  
27 Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum;  
28 Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
29 Zikmund; Speaker Wink

30 Excused:

31 Bordeaux; Conzet; Kaiser; Killer; May

32 So the bill having received an affirmative vote of a majority of the members-elect, the  
33 Speaker declared the bill passed and the title was agreed to.

1 HB 1033: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning  
2 elections and election petitions and to declare an emergency.

3 Was read the second time.

4 The question being "Shall HB 1033 pass?"

5 And the roll being called:

6 Yeas 64, Nays 1, Excused 5, Absent 0

7 Yeas:

8 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Craig; Cronin; Deutsch; DiSanto; Dryden;  
9 Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;  
10 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
11 Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup  
12 (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema;  
13 Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum;  
14 Stalzer; Steinhauer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;  
15 Speaker Wink

16 Nays:

17 Verchio

18 Excused:

19 Bordeaux; Conzet; Kaiser; Killer; May

20 So the bill having received an affirmative vote of a two-thirds majority of the members-  
21 elect, the Speaker declared the bill passed and the title was agreed to.

22 HB 1036: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning  
23 campaign finance requirements.

24 Was read the second time.

25 The question being "Shall HB 1036 pass?"

26 And the roll being called:

27 Yeas 65, Nays 0, Excused 5, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Craig; Cronin; Deutsch; DiSanto; Dryden;  
3 Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;  
4 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
5 Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup  
6 (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema;  
7 Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum;  
8 Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
9 Zikmund; Speaker Wink

10 Excused:

11 Bordeaux; Conzet; Kaiser; Killer; May

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1053: FOR AN ACT ENTITLED, An Act to repeal the provisions imposing and  
15 administering the amusement device tax and registration.

16 Was read the second time.

17 Rep. Gosch moved that HB 1053 be deferred to Tuesday, January 26, the 10<sup>th</sup> legislative  
18 day.

19 Which motion prevailed.

20 HB 1027: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
21 licensure of massage therapists.

22 Was read the second time.

23 1027xa

24 Rep. Latterell moved that HB 1027 be amended as follows:

25 On page 2, line 11, of the House Health and Human Services Committee engrossed bill,  
26 overstrike "shall" and insert "may".

27 Which motion lost.

1 The question being "Shall HB 1027 pass as amended?"

2 And the roll being called:

3 Yeas 62, Nays 2, Excused 6, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Craig; Cronin; Deutsch; DiSanto; Dryden;  
6 Duvall; Feickert; Gibson; Greenfield (Lana); Haggard (Don); Harrison; Haugaard; Hawks;  
7 Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kirschman;  
8 Klumb; Langer; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman);  
9 Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell;  
10 Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens;  
11 Tulson; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

12 Nays:

13 Latterell; Verchio

14 Excused:

15 Bordeaux; Conzet; Gosch; Kaiser; Killer; May

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1005: FOR AN ACT ENTITLED, An Act to revise and repeal certain fees that are  
19 established to compensate counties for services provided by county officials.

20 Was read the second time.

21 Rep. Westra moved that HB 1005 be deferred to Tuesday, January 26, the 10<sup>th</sup> legislative  
22 day.

23 Which motion prevailed.

24 HB 1039: FOR AN ACT ENTITLED, An Act to revise various trust and trust company  
25 provisions and to establish and regulate South Dakota special spousal trusts.

26 Was read the second time.

1 1039oa

2 Rep. Bartling moved that HB 1039 be amended as follows:

3 On page 4 of the printed bill, delete lines 10 to 13, inclusive.

4 On page 22, line 20, delete "43" and insert "42".

5 On page 23, line 14, delete "30 to 43" and insert "29 to 42".

6 On page 23, line 23, delete "30 to 43" and insert "29 to 42".

7 On page 24, line 11, delete "30 to 43" and insert "29 to 42".

8 On page 25, line 11, delete "39 and 40" and insert "38 and 39".

9 On page 25, line 22, delete "38" and insert "37".

10 On page 26, line 1, delete "38" and insert "37".

11 On page 26, line 7, delete "35" and insert "34".

12 On page 26, line 12, delete "38" and insert "37".

13 On page 26, line 21, delete "41" and insert "40".

14 A roll call vote was requested and supported.

15 The question being on Rep. Bartling's motion that HB 1039 be amended.

16 And the roll being called:

17 Yeas 36, Nays 29, Excused 5, Absent 0

18 Yeas:

19 Anderson; Bartling; Beal; Bolin; Brunner; Craig; Deutsch; Feickert; Gibson; Greenfield (Lana);  
20 Hawks; Hawley; Heinemann (Leslie); Hunhoff (Jean); Johns; Kirschman; Klumb; Marty;  
21 McCleerey; Novstrup (Al); Otten (Herman); Partridge; Qualm; Rasmussen; Ring; Romkema;  
22 Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Wollmann

23 Nays:

24 Campbell; Cronin; DiSanto; Dryden; Duvall; Gosch; Haggard (Don); Harrison; Haugaard;  
25 Holmes; Hunt; Jensen (Alex); Langer; Latterell; Mickelson; Munsterman; Peterson (Kent);  
26 Rounds; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
27 Zikmund; Speaker Wink

1 Excused:  
2 Bordeaux; Conzet; Kaiser; Killer; May

3 So the motion having received an affirmative vote of a majority of the members present,  
4 the Speaker declared the motion carried.

5 The question being "Shall HB 1039 pass as amended?"

6 And the roll being called:

7 Yeas 65, Nays 0, Excused 5, Absent 0

8 Yeas:  
9 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Craig; Cronin; Deutsch; DiSanto; Dryden;  
10 Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard;  
11 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
12 Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup  
13 (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema;  
14 Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum;  
15 Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
16 Zikmund; Speaker Wink

17 Excused:  
18 Bordeaux; Conzet; Kaiser; Killer; May

19 So the bill having received an affirmative vote of a majority of the members-elect, the  
20 Speaker declared the bill passed and the title was agreed to.

21 HB 1013: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
22 alternative instruction achievement tests for children excused from school attendance.

23 Was read the second time.

24 The question being "Shall HB 1013 pass?"

25 And the roll being called:

26 Yeas 66, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;  
3 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison;  
4 Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex);  
5 Johns; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman;  
6 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;  
7 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;  
8 Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen;  
9 Wollmann; Zikmund; Speaker Wink

10 Excused:

11 Bordeaux; Kaiser; Killer; May

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1014: FOR AN ACT ENTITLED, An Act to authorize the sale of certain surplus real  
15 estate and to provide for the deposit of the proceeds.

16 Was read the second time.

17 Rep. Gosch moved that HB 1014 be deferred to Tuesday, January 26, the 10<sup>th</sup> legislative  
18 day.

19 Which motion prevailed.

20 Rep. Gosch moved that the balance of the calendar including HB 1062 and 1063 be  
21 deferred to Tuesday, January 26, the 10<sup>th</sup> legislative day.

22 Which motion prevailed.

23 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at  
24 3:13 p.m. the House adjourned.

25 Arlene Kvislen, Chief Clerk

